

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KEMO D. WHIRL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 17-1096 JPG/RJD
	)	
INNOVIS,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Notice of Dismissal (Doc. 8) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by plaintiff. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The defendants have not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED with prejudice** and **DIRECTS** the Clerk of Court to close this case.

DATED: November 8, 2017

s/ J. Phil Gilbert  
UNITED STATES DISTRICT JUDGE